**Request for Interpretation:** **ASUW Constitution, Article VI, Section 1, subsections A and B; ASUW By-Laws Article 2, Section 2.02, subsection 4, clause H; ASUW By-Laws Article 5, Section 5.03, subsection 2, clause C; ASUW By-Laws Article 7, Section 7.02, paragraph 1.**

Associate Justice De Meillon delivered the Majority Opinion of the Judicial Council on March 8th, 2021, in which Chief Justice Sanders, Associate Justices Bellamy, Campbell, Cloud, and Hoversland joined.

Associate Justice Gruntmeir did not partake in the decision.

**Question**

On February 26th, 2021, the Judicial Council received a request from the ASUW Chief of Legislative Affairs to interpret the ASUW Constitution, Article VI, Section 1, subsection A and subsection B, and the ASUW By-Laws Article 2, Section 2.02, subsection 4, clause H; Article 5, Section 5.03, subsection 2, clause C; and Article 7, Section 7.02, paragraph 1.

In the ASUW Constitution, subsection A reads: “Each of the University’s Colleges and sole degree-granting programs shall have at least one (1) student senator.” Subsection B reads: “The remaining twenty-three (23) senators shall be allocated to those Colleges with more than one-thirtieth (1/30) of the total full-fee paying University students. This allocation shall be done in exact relation to the percentage of such students who are enrolled in the College.”

In the ASUW By-Laws, Article 2, Section 2.02, subsection 4, clause H reads: “Senators must maintain good academic status in the College or School to which they were elected to represent.”

The ASUW By-Laws Article 5, Section 5.03, subsection 2, clause C reads: “Students will only be allowed to vote for candidates in their College, excluding Presidential and Vice Presidential candidates. Undeclared students will vote for candidates in the College of Arts & Sciences. Fee-paying students with more than one major will only be allowed to vote in their primary College, as documented by the Registrar.”

The ASUW By-Laws Article 7, Section 7.02, paragraph 1 reads: “Any member of the ASUW Senate who changes their major during their term in office resulting in a change in College shall automatically be terminated from their office.”

ASUW Chief of Legislative Affairs posed the following questions:

1. Are ASUW-fee paying students who are undeclared in their major represented on the ASUW Senate in the status quo? Can they run for a Senate seat?
2. If the answer to Question #1 is that they are represented in the status quo, under which college or degree-granting program are they represented and can they run?
3. If the answer to Question #1 is that undeclared students are not represented in the status quo, should they be?
4. If the answer to Question #3 is that they should be represented, how and where should they be represented?
5. If an undeclared student is elected to serve as a Senator, would they have to give up their Senate seat upon their declaration of a major?

**Interpretation and Recommendation**

In this interpretation, the Judicial Council relied mainly on the letter of the ASUW By-Laws and the precedent set by the Interpretation of the ASUW Constitution, Article VI, Section 1, subsection A that was ruled on October 12th, 2020. The Council also established a differentiation between students who are undeclared within a college, and students who have an undeclared major and an undeclared college. For this interpretation, the Council focused on the latter.

For question one (1), the Council rules that the ASUW Constitution, Article VI, Section 1, subsection A does not allow for students who have an undeclared major and an undeclared college to run for an elected position in ASUW because they are not a member of any college at the University of Wyoming. The ASUW Constitution, Article 6, Section 1, subsection A language outlines that all senators be allocated to degree-granting programs, which is not applicable to students who have not declared a college. Additionally, the Judicial Council ruling on October 12th, 2020 set Council precedent that representation is given through voting, not through running for an elected position. The ability to run for a seat in a designated college is, however, available to students who have an undeclared major within that college. Students who have an undeclared major and an undeclared college can still be appointed to office with accordance to the ASUW Constitution, Article 3, Section 2, so their ineligibility to run for an elected position does not conflict with the ASUW Constitution.

For question two (2), students with an undeclared major and an undeclared college (who are in good academic standing) may vote within the College of Arts and Sciences. The ASUW Constitution gives all fee-paying students the right to vote and have representation. This is also outlined in the ASUW By-Laws Article 5, Section 5.03, subsection 2, clause C.

Question three (3) is not applicable to this issue because students with an undeclared major and an undeclared college may vote in and therefore have representation through the College of Arts and Sciences. Additionally, the ASUW Constitution outlines that all students at the University of Wyoming should be represented, and this includes students with an undeclared major and an undeclared college.

In reference to question four (4), students with an undeclared major with no declared college may vote in and are thus represented by the College of Arts and Sciences. Additionally, students who have an undeclared major within a college may vote for candidates within that college and can also for an elected position within that college.

For question five (5), students with an undeclared major and undeclared college would not be eligible to run for a Senate seat. However, if the student has an undeclared major within a college, the ASUW By-Laws Article 7, Section 7.02, paragraph 1 is still applicable to them, and they would follow the same process as a Senator with a declared major who is moving to a new college.

It is the recommendation of the Council that the ASUW Senate monitor the University of Wyoming’s transition from “undeclared” to “Exploratory studies”. If the Exploratory Studies program becomes the new location for students who have an undeclared major and an undeclared college, the Council recommends the ASUW Senate adjust the By-Laws as necessary to ensure that no students are unrepresented or enjoy double-representation.